

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ROBERT J. DILLON,

Plaintiff

v.

CORRECTION CORPORATION OF
AMERICA, et al.,

Defendants

Case No.: 2:20-cv-02319-APG-NJK

Order Dismissing Certain Defendants

Plaintiff Robert Dillon has not properly served defendants Correction Corporation of America, Nevada Southern Detention Center, Assistant Warden Laurer, Dr. David Rivas, Rebecca Smith, or Core Civic Inc. despite being granted additional time to do so. ECF No. 11. I therefore ordered him to show cause why those defendants should not be dismissed from this lawsuit. ECF No. 58. In response, Dillon primarily argues the validity of his claims against the defendants. ECF No. 63. But that does not address his failure to timely serve process upon them.

Dillon contends that he sent to some of the defendants written requests to waive service, but they did not respond. *Id.* at 3. There is no requirement for a defendant to waive service; the failure to do so merely exposes the defendant to fees and costs. Fed. R. Civ. P. 4(d)(2). Dillon also argues that it is the United States Marshal's responsibility to serve the defendants. ECF No. 63 at 3. That is incorrect, and Dillon did not timely request assistance with service as may be permitted under Rule 4(c)(3). Dillon has not shown good cause for his failure to timely serve these defendants.

I THEREFORE ORDER that all claims in this case against defendants Correction Corporation of America, Nevada Southern Detention Center, Assistant Warden Laurer, Dr.

1 David Rivas, Rebecca Smith, or Core Civic Inc. are dismissed without prejudice for failure to
2 timely serve them.

3 DATED this 25th day of January, 2022.

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6 ANDREW P. GORDON
7 UNITED STATES DISTRICT JUDGE
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